



## Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

# Dimensions

VOLUME 4, ISSUE 2

WINTER 2004

## CHAIRMAN'S LETTER

By: James S. Anderson, PLS

### Why Should You Read This Newsletter?



In April, 2001, the Board published a newsletter for the first time in over six years.

Since then, the Board has published two newsletters each year. During this time, the newsletter has continued to improve and we now receive compliments from Missouri licensees and from members of other state boards. While it is gratifying to receive the compliments, there is a more meaningful purpose to the newsletter.

When you receive the newsletter, what section do you read first? Most people tell me the first thing they read is the same as the first thing I read in other newsletters - disciplinary actions. Most of us want to be sure we are not violating the laws or regulations that govern our professions. We want to be sure we are not doing something that was a cause for discipline to another professional. Understanding what actions lead to discipline can help us avoid becoming the subject of a complaint. Even complaints that do not

result in discipline can be costly and time consuming to resolve.

Another purpose of the newsletter is to provide information about changes, or contemplated changes, to the laws and regulations. This information may not be as thoroughly read as the disciplinary report, but is equally as important. Our Code of Professional Conduct says each person registered with the Board is to be familiar with Chapter 327 and with the rules of the Board. To be familiar with the law, a person needs to know when changes are made to the law. Some changes do not necessarily require action by the licensee, such as rules about examination fees and evaluation of applications. However, rules such as continuing education for professional engineers, changes allowing the use of electronic seals, and changes in the Minimum Standards for land surveyors do require action or a change of practice by the licensee. The articles in this newsletter about the new rule for continuing education for architects and the reminder about renewal deadlines are examples of articles intended to inform the licensee of legal requirements they need to be aware of.

Most of us lead very busy lives and keeping current with these changes can be a challenge. Because of that, the Board consci-

entlyous attempts, through this newsletter, to make you aware of the changes in rules or of events or deadlines that will affect your license. Unfortunately, we have seen cases where licensees were unable to renew their license because they were unaware of continuing education requirements or were late renewing their

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license because a deadline had passed. Although the problems are usually able to be resolved, they can be inconvenient and costly.

It is the responsibility of the Board to investigate complaints and impose discipline when appropriate. However, the Board, licensees, and the public are better served if we can reduce problems and complaints by preventing them.

If you read nothing else in the newsletter, I would encourage you to look for and read the articles that are written to inform you of these changes. Doing so may help you avoid costly and time consuming problems.

## ARCHITECTURAL DIVISION LETTER

By: Charles C. Hill,  
Division Chair



### Electronic Seals/ Signatures:

The very title of this article is a misnomer since neither of the above are proper terms. In the Spring of 2004 the Board Rules related to "4 CSR 30-3.060 Licensee's Seal" were modified to permit two things. The first allows the use of a computer-generated image of a seal in the same manner a professional would use an embossing seal or rubber stamp (see paragraph 2 of Board Rule 4 CSR 30-3.060). The second defines an "electronic authentication process" as a "signature" when used with electronic or digital documents (see paragraph 3 of

Board Rule 4 CSR 30-3.060).

The use of a computer generated image of a licensee's seal requires little discussion. The licensee should maintain the same careful control of this sealing method as the embossing seal or rubber stamp.

The use of an "electronic authentication process" on electronic or digital documents, however, is new territory and requires some discussion. The key word in this discussion is authentication.

First, consider when a document under traditional practice is original or authentic as opposed to a copy. In general, an authentic document bears the licensee's seal and a handwritten signature. Printed copies of documents (such as made by a blueprint company or in the office) are not authentic in the strictest sense. That is why many code jurisdictions require a wet seal and signature be applied to documents submitted to them even though the documents already have a copy of the professional's seal and signature from the printing process.

Second, why do we need the ability to send authentic electronic or digital documents? Evolving technology is changing how we practice. Professionals have a developing need to transmit CADD documents between offices and to code officials, clients, contractors, vendors, etc. It is critical that the professional maintains control over the authenticity of the original document(s) and the user of the document is likewise concerned that they are using an unaltered document. By using so called "electronic signature" software, the sender and receiver are

both assured that the electronic media (document) is unaltered. The required procedures for the use of electronic authentication are found in paragraph 3 of the rule. At several presentations made on this new rule the following three questions have been asked; these general answers should be helpful.

**1. Are the required notices redundant?** Under the new regulations, there are two different notices found in 4 CSR 30-3.060 (3)(A) and (4). Part (3)(A) requires a notice stating: "***This media should not be considered a certified document***" (which goes where the seal would be placed). This is required for documents transmitted electronically without an electronic signature or authentication process. This would apply only to a final document which is transmitted without a seal (e.g., because the licensee does not have electronic signature technology). The other notice, in Part (4) states: "***Preliminary, not for construction, recording purposes or implementation***" (which goes elsewhere on the document, in an obvious location). This is used on any document which is not yet final and, therefore, not required to be sealed. Therefore, a preliminary document sent electronically does not require both notices - only the notice in Part (4). The notice in Part (3)(A) only applies to final documents which "have the seal removed".

**2. How about Scanned Seals and Signatures?** A drawing or other document in "pdf" format (sent via e-mail or on diskette, or CD) or a faxed copy of a document is not considered an "elec-

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tronic or digital document" and, therefore, these are not intended to be covered by 4 CSR 30-3.060(3)'s provisions regarding "electronic or digital documents". The intent of section (3) is to cover electronic documents which can be easily manipulated by the recipient; therefore, an embedded signature protects changes from being made without voiding the signature. However, a fax or a scanned "pdf" file is just another means of copying a document (like taking a picture of it). Therefore, an original document which is sealed and "wet signed" and dated by the licensee can be reproduced by either photocopy, traditional blue printing, faxing or scanning in "pdf" or similar format. A diskette of scanned images of such signed and sealed documents could then be given to a printing service in "pdf" format as long as the original signature was hand-signed and not a computer-generated image of the licensee's signature.

### **3. Who Can Apply An Electronic Signature?**

Missouri licensees will personally need to learn how to apply their own electronic signature if they want to use the new "digital signature" procedure in 4 CSR 30-3.060(3). A firm's CAD technician may not legally apply another person's signature to documents, whether by applying a computer-generated image or by embedding a "digital signature". A CAD technician may apply a "computer-generated image" of the seal as long as the licensee personally "wet signs" and dates the plotted original or embeds a digital signature. The forging of a licensee's signature,

by hand or electronically, is a violation of RSMO. 327.411 and is punishable by law.

In conclusion, life goes on as usual for conventionally sealed and hand signed documents. The ability to now transmit an electronic document (CADD drawing, etc.) with electronic authentication will open new avenues for design professionals to communicate with each other, clients, contractors, code officials and others in a timely way with all parties assured of the authenticity of the document.

## **PROFESSIONAL ENGINEERING DIVISION LETTER**

By: Josephine L. Emerick,  
Division Chair

As I complete the end of my term on the Board, I want to thank the Missouri Society of Professional Engineers (MSPE) for nominating me for this opportunity, and URS, my employer, for supporting my efforts. I have learned so much by working with licensees across the state, the other Board members and our wonderful staff in Jefferson City.

When I was approached over 8 years ago about my willingness to serve on the Registration Board, I jumped at the opportunity, even though it was a major commitment of my time. As a professional engineer in several states, I was looking forward to enhancing my profession.

One of the roles of the Board is to

protect the citizens of Missouri. One way to achieve this protection is to ensure that the buildings we enter are safe. A key step is to make sure the correct professionals are involved in a building project. Many places in Missouri have local reviewing jurisdictions in place, which look for the seal of an engineer and architect on the drawings they review. Unfortunately, there are some areas in Missouri where there are no checks in place to make sure that engineers and architects are involved in these projects.

Between our May and August Board meetings, we received over 20 new engineering related complaints. A number of these complaints related to the design and construction of public buildings, without the use of either a professional engineer or architect. A number of these structures include buildings that Missourians enter on a daily basis. They include restaurants where we may dine, churches we may attend, daycare and school facilities our children might utilize daily and senior citizens' homes where our parents may live.

In many cases, the Board sends a letter to the owner of the building, referencing the state statutes requiring the use of a licensed professional engineer or architect on these projects. We require the building owner to hire licensed engineers and architects to inspect the building, and submit copies of their reports to the building owner, the local jurisdiction and to the Board. When deficiencies are noted, the owner will be required to correct these deficiencies and have the engineer and

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architect re-inspect the facility to ensure its safety. Some of these deficiencies have related to structural integrity, insufficient fire protection systems and inadequate emergency egress pathways.

The Board has struggled with how we can address this on-going problem. We are in a financial position at this time to allow us to become more proactive in our approach. Earlier this year, we mailed a flyer to over 300 local building and fire protection code officials. The one page flyer asked "Does your building project require a licensed design professional?" The answer is "Yes! It is required by state law. Check your statutes." The flyer includes the state seal, along with the phone number of the Board office. It also references the Board's web site, for a complete listing of all Missouri licensed design professionals. We are in the process of updating a handbook for use by building code officials, outlining some of the applicable state statutes.

We send copies of this newsletter to approximately 333 local building and fire protection code officials. The newsletter helps them to understand the role of the Board, the importance of requiring an engineer and architect, and to be aware of the disciplinary action taken by the Board. In the case of some complaints, the Board is also sending copies of our correspondence to the local political representative, such as a mayor or commissioner, to make sure they understand the importance, and legal requirements, of involving licensed professionals.

We need to make sure building owners and code officials understand the qualifications for becoming, and using the titles of "professional engineer" and "architect". As we know, it is not what a person calls himself, but the holding of the appropriate Missouri license that legally enables a person to provide engineering and architectural services. Licensing protects the citizens of Missouri by requiring standards, including education, examination and experience, to be met prior to obtaining a license. When a Missourian engages a licensed professional engineer or architect, they can be assured these individuals have the knowledge to practice engineering and architecture, similar to the licensing of doctors and lawyers.

In some cases, we do have situations where the competency of a licensed professional is questioned. These situations are taken very seriously and are investigated, sometimes with involvement by other licensed professionals. The Board is able to take disciplinary action, including probation, suspension and revocation, against individual's licenses if incompetency is proven through the Administrative Hearing Commission.

All the licensed professional engineers and architects in Missouri play a key role in ensuring the safety of our citizens. In many cases, the initial concerns are brought to the Board's attention by licensees who see the construction of the facility.

We, as citizens of Missouri, need to work together to ensure that our public buildings are safe. Many of us remember the Hyatt disaster in

Kansas City over 20 years ago, where 114 people were killed and over 200 injured as a result of design and construction issues. Let's work together so that another disaster does not happen in Missouri.

## **PROFESSIONAL LAND SURVEYING DIVISION LETTER**

By: Thomas J. Mathis,  
Division Chair



In an 1879 history book about pioneer families of Missouri, the author relates an anecdote about a rather windy pioneer settler who presumed to use big words to impress his neighbors. It seems that the old fellow was trying to explain how a surveyor could measure across the Cuivre River: "You see, gentlemen, the surveyor first gets an obligation across the stream, and sticks down his compass. Then he leaners up or down the river, as the case may be, and gits another obligation from that; then he leaners back to the first obligation and works it out by figgers. It's simple enough, and I could do it myself, although I don't know a darn thing about figgers."

Like the old pioneer, sometimes it seems that professional land surveyors struggle to explain just what it is they are doing, whether it be to clients, their client's neighbors, attorneys or the courts. Surveyors are (hopefully) experts at research, measuring, recovering physical corner evidence,

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geometry, application of the law, running a business, managing employees, and drafting plats. But too often we lack good communication skills. We often get too busy trying to earn a living to take the time to sit down with our clients and explain what it is we're doing, why it's taking so long to complete the work, or why the initial cost estimate turned out to be too low. And too often that lack of communication ends up in the Board's lap in the form of formal complaints. Upon investigation, it often becomes evident that the inherent problem is simply a lack of understanding between the surveyor and the complainant.

Communication problems which come to the attention of the Land Surveying Division in the form of formal complaints seem to fall in three broad categories: 1) unrealistic expectations by the client over what the final product should be; 2) fee disputes where the client feels that the surveyor is taking advantage; and 3) a disgruntled client's neighbor who feels that the surveyor is "stealing his land."

Unrealistic expectations by the client may involve something as simple as expecting line stakes between corners without ordering them, or a misinterpretation as to what those marks on the ground represent. For example, it often takes several trips to the field to complete a given job. How many times have you had a client call after the initial field traverse has been completed but before the corners have been established to complain that the "corners" are not right, or worse yet, that he started building a fence along your line

but it's obviously crooked? Maybe if we had taken the time to determine exactly why the prospective client needed the survey, and explained, in some detail, about how the survey will be completed and what the final product would be, we could have avoided these unrealistic expectations.

Complaints over fee disputes are probably the most aggravating to the client, and perplexing to the Board. Although the Board doesn't get involved in outright fee disputes, we do feel it our obligation to attempt to determine whether or not the licensee adhered to the Codes of Professional Conduct. Did the surveyor "low ball" the initial estimate in order to gain an unfair advantage over other registrants [4 CSR 30-2.010(10)]? Most often it turns out that the fee dispute arises from the surveyor's inability to fully explain to the potential client how his fee structure works, and under what conditions the final cost may exceed the estimate. Perhaps the simplest way to avoid this problem is to formulate a contract that outlines the unit prices charged with a not-to-exceed amount. True, the surveyor may have to occasionally "eat" some of his/her fees, but these are usually balanced out and his/her resulting client relations will ultimately work to his/her advantage. Another option may be to simply use a lump-sum price, where the client knows up front what the final bill will be, and there are no surprises.

The third category of common complaints come from neighbors of a surveyor's client who think that the surveyor is surely guilty of misconduct and dishonesty for "moving" a line from where he/she thought it should be. These neigh-

bors often supply reams of copies of abstracts and old plats to support their views. Although the Land Surveying Division often finds that such a scenario is simply a property line dispute and does not fall under the jurisdiction of the Board, it is still our obligation to determine whether the surveyor adhered to the Minimum Standards for Property Boundary Surveys [4 CSR 30-16]. Did he/she properly research the job? Did he/she follow the rules for original surveys, resurveys or subdivisions? Were the statutory rules for subdividing a section used? In this case the professional land surveyor has less opportunity to use communication skills, but usually it turns out that the disgruntled neighbor has visited with the licensee and come away madder than ever. As a true professional, perhaps the surveyor should try to remember that his/her primary obligation is to the general public, and try to take the time to quietly (and without anger) explain the laws regulating the establishment of that property line, and attempt to reason with the individual. Remember, one of the best communication skills is the art of listening. It might take a whole lot less "wasted" time now, than traveling to a Board Meeting later to explain his/her actions after a complaint has been filed.

Maybe the windy old settler of 180 years ago got his terms confused when he spoke of leandering and obligating a line, but today, as professional land surveyors, we should take the time to explain such concepts as cost and billing, controlling corners, traversing, GPS, and legal principals of

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boundary control to avoid potential complaints. Communicating effectively must be the ultimate goal if we wish to enhance our personal reputation and the art of surveying as a profession.

## LANDSCAPE ARCHITECTURAL DIVISION LETTER

By: Robert N. Hartnett,  
Division Chair



LEED Certification and Landscape Architecture - it's a natural. The US Green Building Council's Leadership in Energy and Environmental Design (LEED) certification is really taking hold across the country. It is a tremendous opportunity for landscape architects who take the initiative to become certified LEED professionals. The program promotes integrated design and environmentally sensitive site design. Last time I checked, that's what landscape architecture is all about. From re-establishing native plant communities to innovative storm water management solutions landscape architects have the potential to promote healthy and diverse landscapes and meet LEED project requirements at the same time. I encourage each of you as landscape architectural professionals to be informed about the program, take an active role in your local Green Building Council and "LEED" the way in responsible site design. And on the subject of LEED - congratulations to our own Patti Banks for becoming one of the

first, if not the first, LEED Certified RLA in Missouri.

On a different subject, Jerany Jackson and I had the privilege to represent Missouri at the Council of Landscape Architectural Registration Board's (CLARB) Annual Meeting held the last week of September in Philadelphia. In attendance were 35 of 47 Member Boards. In response to concerns expressed by the membership at past meetings, CLARB modified the format of the meeting to better serve the needs of the Member Boards. In the past, an elected member of the Board of Directors, or a CLARB staff member would have lectured the entire membership on one particular area. This meeting however provided for a day and a half of breakout sessions and workshops so that the Member Boards could concentrate in the areas where they may have had areas of concern. This format also allowed Jerany and I to attend different sessions and maximize our time at the meeting. The one topic that generated the most discussion was the recent experience with the Computerized/Landscape Architectural Registration Exam (C/LARE). As you are aware, the change to computer-administration of the multiple-choice sections allows CLARB to offer these sections much more often and at many more locations than ever before possible. Although the administration went off without a hitch for most candidates, CLARB became aware that 16% of candidates reported that they experienced difficulties with the exam administration by LaserGrade Testing. Some of the problems included outside noise, missing charts and graphs, and computer issues.

The Member Boards agreed that the multiple choice section should

continue to be given via a computerized format, but every effort should be made to minimize if not eliminate these problems. CLARB is dedicated to ensuring that every candidate has an equal opportunity to demonstrate his or her ability through the licensing examination. They have developed a series of procedures that analyze the performance of every item in the licensing examination. These procedures identify items that may be defective or which perform poorly so that appropriate adjustments can be made to the scoring of the examination to eliminate the effect of such items. These same procedures apply to computer-administered examinations in the same manner as they did to the previous paper-and-pencil-administered format. In addition, all candidates were given an opportunity to choose to retake the exam at no cost and before seeing their test score results. CLARB will also be following up with LaserGrade to improve facilities that are rated poorly or they will eliminate these centers from the availability list.

CLARB finances continue to be another subject area that generated much discussion. The Member Boards have been pushing CLARB for some time to look for new revenue sources beyond dues and exam fees, and there has been some recent success in this area. For the first time, the percentage of revenues from exams and dues has dropped from 59% to 51% and from 10% to 8% respectively over the past two year period. In addition, states received a \$350 rebate this year on their dues. It looks like CLARB finances are finally beginning to go in the right direction.

As always, if I can ever help you in any way, please feel free to contact me.

## CONGRATULATIONS, JERANY JACKSON!



Board Member, Ms. Jerany Jackson, RLA, has been selected as one of Springfield Business Journal's 2004 20 Most Influential Women. Ms. Jackson was featured in a special supplement which was published and sponsored by Connell Insurors, Bank One, CoxHealth, The Signature Bank, Aesthetic Skincare, Ivy Cottage Gifts, Merrill Lynch and U.S. Bancorp. An expo and luncheon honoring Ms. Jackson and the other 19 Most Influential Women of Southwest Missouri was held at the University Plaza in Springfield on Wednesday, October 13, 2004. The Board is very proud of Jerany and applauds her and her outstanding accomplishments.

## VETERAN'S EDUCATION AND TRAINING LICENSURE AND CERTIFICATION Test Benefits

VA benefits are paid for licensing and certification tests per Section 122 of Public Law 106-419, effective March 1, 2001. This benefit is payable under Chapters 30, 32 and 35.

To apply for approval, licensing and certification entities may call the MSAA at:

573-751-3487

Veterans and eligible persons may call the VA to determine entitlement by calling toll free at:

1-888-442-4551

## IMPORTANT INFORMATION REGARDING THE RENEWAL OF YOUR LICENSE

Please be advised that "Renewal Notices" have been mailed to all architects, engineers, land surveyors, landscape architects, architectural corporations, engineering corporations, land surveying corporations and landscape architectural corporations that were originally licensed in an EVEN year. If you were originally licensed in an even year and you have not received your renewal notice, please call the Board office at (573) 751-0047 as soon as possible.

- ⇒ Renewal notices are mailed as a courtesy to all licensees.
- ⇒ The renewal notice is mailed to your address of record on file at the Board office. If you move, it is your responsibility to notify the Board office of your new address promptly so that we can update your record.
- ⇒ The Board cannot be responsible for misplaced or mishandled mail.
- ⇒ Failure to receive an application for renewal of a license or certificate of authority does not relieve the licensee or certificate holder from their duty to timely renew, nor does it relieve them from the obligation to pay any additional fee(s) necessitated by any late renewal.

Before you return your renewal notice to the Board office, please check the following:

- ⇒ Have you enclosed the correct fee?
- ⇒ Have you completed all sections?
- ⇒ Have you signed the renewal notice?

Renewal applications are not valid unless signed. **Renewal applications that are incomplete or submitted without the correct fee WILL BE RETURNED.**

It is the licensee's responsibility to ensure that the renewal form is completed and returned in a timely manner, even if you have delegated it to an office manager or assistant. The renewal period will end on December 31, 2004. A licensee who fails to renew his/her license by the renewal date shall not practice in Missouri. Licensees practicing in Missouri without a renewed license are subject to disciplinary action by the Board.

If you are not sure when your license expires, you can either call the Board office, visit the Division's website and click on "Licensee Search" or look at the 5 x 7 certificate sent to you the last time you renewed-----it will display your expiration date.

## ELECTRONIC SEALS/SIGNATURES

Board Rule 4 CSR 30-3.060, Licensee's Seal, went into effect on February 29, 2004 and the text of that rule was printed in the Summer 2004 edition of the Board's newsletter. As you know, this rule allows for the electronic sealing and signing of documents. Since the effective date of this rule, the Board office has received numerous phone calls seeking clarification. Therefore, if you have any questions concerning electronic seals and signatures, please refer to the article written by Mr. Charles Hill, Architectural Division Chair, on page two of this newsletter.

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## DEBUT OF UNIFORM, NATIONAL “ROLLING CLOCK” FOR THE ARE

(Reprinted with NCARB's permission)

After spirited discussion during NCARB's 2004 Annual Meeting, a majority of Council Member Boards passed a resolution officially creating a "rolling clock" standard for the Architect Registration Examination (ARE). Under the terms of the rolling clock, which will be officially implemented on January 1, 2006, candidates for the ARE must pass the nine-division exam within five years. Three transitional rules, which are noted below, will guide this process.

### Background

NCARB's Procedures & Documents Committee, led by Kevin Monson, AIA, of Iowa City, IA, recommended a rolling clock after extensively studying the issue. By establishing this standard, NCARB Member Boards recognize that the practice of architecture changes over time. Likewise, ARE content, its format, and its administration can change over time as well. In its statement of support, the P&D Committee noted, "Requiring that all divisions be passed within a reasonable period will better assure that the ARE remains a valid measure of the level of competence necessary to independently practice architecture. While some changes may occur within any five-year period, there is a lower likelihood that applicants will be tested under different forms of administration and methodologies than is the case currently with applicants having unlimited time in which to pass all divisions." The Chauncey Group International, the Council's test development and operations consultant for the ARE, also supports the rolling clock, suggesting that it is psychometrically appropriate especially as the exam continues to evolve. Unlike other professions (including the legal and accounting fields), architecture did not have a uniform, national rolling clock for examination prior to the passage of this resolution.

### Transitional Rules

Three basic rules will guide the implementation of the rolling clock:

- For applicants who have passed all divisions of the ARE by January 1, 2006, regardless of the time taken, such applicants will have passed the ARE.
- For applicants who have passed one or more but not all divisions of the ARE by January 1, 2006, such applicants will have five years to pass all remaining divisions. A passing grade for any remaining division shall be valid for five years, after which time the division must be retaken if the remaining divisions have not been passed. The five-year period shall commence after January 1, 2006, on the date when the first passed division is administered.
- For applicants who have passed no divisions of the ARE by January 1, 2006, such applicants shall be governed by the above five-year requirement. The five-year period shall commence on the date when the first passed division is administered.

### What's Next

Long before NCARB introduced this resolution, nine Member Boards already had implemented a rolling clock requirement. NCARB's adoption of a national rolling clock requirement will implement a uniform standard for all jurisdictions, thus facilitating reciprocity. For those states with a rolling clock already in place, their individual requirements can be eliminated, thereby relieving them of some record-keeping burdens, while respecting the intent of their current standards. For more information about the ARE rolling clock, please contact NCARB at (202) 783-6500.

## MESSAGE FROM DIVISION DIRECTOR



House Bill 600 (2003) and House Bill 978 (2004) were enacted to increase the tax revenue collected by the State of Missouri. There are several "income tax accountability" provisions requiring the Department of Revenue to take steps to collect income taxes owed by state employees and licensed professionals. As most of you know, one provision was specifically aimed at professionals licensed by the Division of Professional Registration. The language is as follows:

"324.010. All governmental entities issuing professional licenses, certificates, registrations, or permits pursuant to sections 209.319 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, section 375.014, RSMo, sections 436.005 to 436.071, RSMo, and chapter 317, RSMo, and chapters 324 to 346, RSMo, shall provide the director of revenue with the name and Social Security number of each applicant for licensure with or licensee of such entities within one month of the date the application is filed or at least one month prior to the anticipated renewal of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state income tax returns in the last three years, the director shall then send notice to each such entity and licensee. In the case of such delinquency or failure to file, the licensee's license shall be suspended within ninety days after notice of such delinquency or failure to file, unless the director of revenue verifies that such delinquency or failure has been remedied or arrangements have been made to achieve such remedy. Tax liability paid in protest or reasonably found ed disputes with such liability shall be considered paid for the purposes of this section."

This statute requires the Department of Revenue to notify licensees, at the time of application or renewal, that they must file delinquent income tax returns or pay any delinquent taxes owed to the state. Since May of 2003, the Division of Professional Registration has been working with Revenue and the Attorney General's Office to establish procedures and define each agencies' responsibilities under this new law. As of July 2003, the effective date of the new law, the Division has been transmitting licensee data for each renewal cycle. Because of the amount of time that the Department of Revenue has needed for technical implementation of the law, their first notices did not go out to licensees until January of this year.

During the month of January, there were 12,000 licensees who received notices either to file delinquent returns or pay delinquent taxes. Licensees were given 90 days to resolve the issue or have their license disciplined as a matter of law. On July 21, 2004, the division disciplined over 800 licenses.

The law, as written, gives no discretion to either the Department of Revenue or the Division of Professional Registration. Revenue must send notices to every licensee who has no record of filing a return or paying taxes in the three years prior to renewing or applying for licensure. The Division must suspend the license of any licensee that fails to either respond that he or she does not live or work in Missouri, or resolve his or her tax delinquency. There are no appeal rights built into the law, and no right to cure the default after the 90-day period. If a licensee pays his or her taxes or files his or her return even one day after the 90-day period, the license may still be disciplined.

I cannot stress enough to our licensees the importance of responding promptly to any notification received from the Department of Revenue, even if the licensee has not lived or worked in Missouri in the last three years. Failure to respond could result in disciplinary action against your license. For some health-care professionals, this means reporting the disciplinary action to the federal health care databases - which may affect his/her ability to practice anywhere in the United States.

Yours truly,

A handwritten signature in blue ink that reads "Marilyn Taylor Williams".

Marilyn Taylor Williams  
Division Director

## NEW LICENSEES

The following individuals and corporations were licensed between May 1, 2004 and September 30, 2004.

### ARCHITECTURAL LICENSEES

Andrade, Fernando J.	Edwards, Carey John	Lazzari, James R.	Sauviac, Craig Andre
Arant, Allen F.	Embers, Richard L.	LeMasters, Lisa Kay	Scherr, Francis B.
Bauer, David Louis	Felger, Todd Richard	Levene, Timothy J.	Schoessel, Andrew Jay
Bauer, Lawrence C	Ferri, Thomas Gerard	Machicao, David Charles	Scott, Michael A
Bell, Benjamin Thomas	Ford, Jason Michael	Mack, Richard D.	Shapiro, Mark
Bergman, Joel David	Gehr, Robert Joseph	Macrae, Peter S.	Smith, Andrew Charles
Beyeler, Kerry F.	Gentges, Brian Steven	Margolis, David	Smith, Brendan Convey
Brenden, Paul S.	Grandy, Michael L.	Mayo, Michael G.	Smith, Shahana A.
Brookes, JoAnn K	Gurlitz, Richard	McDonald, Gordon P	Talbert, Frank E.
Brown, Patrick	Hartje, Ryan L	Metzger, Thomas J	Tieken, Scott R.
Buchner, Clark A., III	Henrichson, Kevin L	Mrozenski, Thomas J., Jr.	Tongay, William Alan
Bullock, Keyma L.	Hillhouse, James S.	Murray, David Anthony	Torp, Paul J.
Cade, Nicholas K	Hilmes, Michael Timothy	Nanson, Benjamin	Tseng, Daniel Hsiang-Lin
Cooper, David	Kern, Brian Theodore	Matthew	Unger, Gunnar F., Jr.
Deacy, Mary Sullivan	Korilos, T. Stephen, Jr	Nenonen, Daniel	Wagner, Geoffrey Kyle
Deitz, Hamilton	Kuckelman, Lynn M.	Percich, Philip Raymond	Young, Phillip Lee
Dykstra, Gregory John	Lake, Daniel B	Powers, Thomas E.	Zito, Stephen L.
Dymecki, David J	Lamprecht, Loren J.	Sark, Harold J.	

### ARCHITECTURAL CORPORATIONS

Bane Gaiser Studio, LLC	Earl Swensson Associates, Inc.	GSP/MO, Inc.
Boyle & Mayerle Architect, Inc.	Elkus/Manfredi Architects Ltd.	Incite Design Studio, LLC
CDM Architects, Inc.	Fentress Bradburn Architects Ltd.	Solomon & Bauer Architects Inc.
Cornerstone Architecture, Inc.	Godat Architectural Design	Tricarico Design Group PC
Dake Wells Architecture, Inc.	Services, LLC	Watermark Design Group, L.L.C.

### PROFESSIONAL ENGINEERING LICENSEES

Albertson, Tyler J.	Brestin, John P.	Chappuis, Steven James	Cramer, John Robert
Andebrhan, Hagos Ermias	Brown, Kirk Haynes	Childress, Tony H.	Crites, Donald Wayne
Anderson, Paul David	Brunz, Kevin Eric	Childs, Mark S.	Cross, Stephen Douglas
Anderson, Scott G.	Buchholtz, Sean Patrick	Christy, Charles John	Crowder, Darin Douglas
Andert, Steven T.	Buford, Herbert W., Jr.	Churchman, Charles	Crutcher, Michael R.
Archila, Roberto	Burleson, Russell Scott	Gilpin	Curlin, Charlie Donald, Jr.
Armbrister, Ryan Edward	Byrnes, Christopher Ian	Churnock, Paul Andrew	Dahlgren, Craig Matthew
Artz, Todd Michael	Caldwell, Chad Warner	Clark, Chadwycke L.	Dain, Vladimir
Ash, Donald P.	Calese, Gary Donald	Clay, Robert Anthony	Dalton, Robert Henry
Ayubi, Carl	Camp, Daniel	Clennan, Brian Joseph	Dasho, Daniel M.
Ball, Sandra DeAnn	Cardinal, Gregory James	Cloud, Eric D.	Davidson, Glen Lee
Barbour, George R., Jr.	Careaga, Jacob Daniel	Cobb, William Joseph	Davies, Robert L., Jr.
Barton, Theron M.	Carlson, John P.	Cochran, Christopher B.	Davis, Allen K.
Behling, Patrick J.	Carpenter, Suzenne Gayle	Coffey, Tracy Neil	Davis, James S., Jr.
Bell, Hannah J.	Carrico, Shawn Michael	Como, Stephanie M.	Davis, Robert Lee
Bilello, Jacob Thomas	Carroll, Douglas Rickman	Cooper, David Ben	Dean, Douglas D.
Bloome, Lee James	Carroll, Julie Ann	Cox, Braden S.	
		Cox, Sally Lin	

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DeBenedictis, Lance J.  
Delpapa, James B., Jr.  
Deppe, Jenna L.  
Dierckman, Roger J.  
Do, Nam M.  
Dodson, Thomas P.  
Dohrmann, Jason Scott  
Dominisse, Douglas L.  
Donahey, Rex Craig  
Doster, Branden Blu  
Dugan, Timothy Bryan  
Dull, Gerald R.  
Dunn, Gary L.  
Eckrich, James Andrew  
Edson, Randall G.  
Eisenman, T. James, Jr.  
Elmore, Daniel Rae  
Embden, Charles Willoughby  
Eskens, Robert Gerald  
Everett, John Norman  
Farrell, Stephen J.  
Feistner, John William  
Fellows, Hilary Marie  
Fitzgerald, Michael F.  
Fleming, Scott Michael  
Fligor, Pamela Sue  
Fontana, Donald A.  
Frank, Michael A.  
French, Kathy Ann  
Friedich, Jason Michael  
Gallant, Steven Joseph  
Gardner, Thomas Matthew  
Garkie, Brian Wayne  
Gawlik, Ray A.  
Geringer, David L.  
Gertis, Melanie R.  
Gilbert, Michael B.  
Gilbert, Robert Alan  
Goerger, Mark A.  
Gould, William George  
Grote, Austin Clay  
Grubbs, Richard Thomas  
Gutowsky, Jeff S.  
Guttormsen, Douglas Berwin  
Hadley, Gary Ray  
Hagan, John Thomas  
Harmon, Jeffrey Russell  
Harness, Jennifer Lynn  
Harper, Jennifer Lynn

Harris, Ronald Jay  
Harrison, John Randall  
Harth, Derek W.  
Harvey, Sherri Boerner  
Haselbauer, David Joseph  
Hayden, Ethan John  
Haynes, Jason Lee  
Heidenreich, Kurt J.  
Helland, Eric Mikal  
Hemsworth, Kenneth S.  
Hendrikse, Allan Robert  
Hesemann, John Robert  
Hilchen, Paul Edwin  
Hilton, Dennis R.  
Hodek, David J.  
Hoffman, James A.  
Hogsett, Troy James  
Honich, Thomas R.  
Hormell, Robert L., III  
Horton, Chris  
Howley, Gerald Edward  
Huber, Patrick F.  
Hulbert, Mike  
Ingracia, Stephen A.  
Irvine, Jeremy R.  
Jain, Satish Hansmukhlal  
Johnson, Brian Dennis  
Jones, Jonathan E.  
Jones, Robert W.  
Jones, Ryan Scott  
Kemna, Lindsay Ann  
Kent, William Edward  
Keys, Travis John  
Kilgore, Tony W., Jr.  
King, Phillip Bruce  
Klaudt, Justin C.  
Knudsen, Erik Bradley  
Kocher, Philip Brian  
Kontrim, Kathryn Leigh  
Koziatek, Daniel Robert  
Kremer, Gregory Scott  
Kroning, Robert John  
Krug, Brett Weston  
Kullberg, Patrick L.  
Kuntz, Lisa Lynn  
Lalonde, Philippe J.  
Lamprecht, Robert L.  
Landwehr, Eric Stephen  
Landy, Charles Farrell  
Langford, Robert Brian  
Laxton, Scott C.  
Leaton, Christopher

William LeGrand, Brian L.  
Leight, Shawn John  
Levenhagen, Kyle William  
Lindau, William H.  
Lindsay, Terrence M.  
Logsdon, Jason Eric  
Long, William B.  
Lopata, Marc L.  
Lorton, Ryan Bradley  
Loyd, Kyle Shea  
Luttrell, Christopher Lynn  
Mackiewicz, Scott Michael  
Mahlandt, Andrew Timothy  
Maingot, Martin Rex  
Mainkar, Milind Sudhakar  
Mansholt, Craig A.  
Marks, Bradley Michael  
Marlinghaus, Eric Kyle  
Marshall, Kelli Lynn  
Martin, Christopher J.  
Masteron, Matthew Dennis  
Mateega, Robert E.  
Mattila, Jason Michael  
Maue, Brent Patrick  
Mayeda, John Robert  
McCaskill, Andrew Finlayson  
McClanahan, Daniel J.  
McNulty, Jason Scott  
Meredith, Kevin Matthew  
Messer, Jack D.  
Metro, Steven J.  
Mettemeyer, Matthew Alan  
Mirchandani, Ramesh Thakurdas  
Montgomery, Wayne C.  
Moore, Alexander Jon  
Morin, Christopher D.  
Morrell, Desiree E.  
Mundy, Valerie Williams  
Munoz, Thomas  
Murphree, Matthew S.  
Musial, Steven Raymond, II  
Narcum, Joseph William  
Nejedlo, Thomas J.  
Nelson, Susan Jane  
Nieders, Dax Rome

Norby, Michael Albert  
O'Loughlin, Kerry Ann  
Orrick, Paul Anthony  
Otten, Kenneth R.  
Papikian, Karine A.  
Parker, Bryan Lewis  
Parsons, Dale Oldham, II  
Patterson, James Ernest  
Pearce, Joseph Michael  
Perkins, Terry Earl  
Perry, Robert R.  
Place, Karlton George  
Plansky, Vincent J., Jr.  
Pocius, Richard J.  
Poteat, Randall Lee  
Pozsgay, Michael Armand  
Quenemoen, William Moore  
Raberding, Timothy L.  
Radoyevich, Charles  
Rand, Christopher Edward  
Rapp, Joseph Gregory  
Raskin, Daren H.  
Ray, James C.  
Ray, Ryan S.  
Reiter, Cory Matthew  
Rewerts, Thomas L.  
Ricker, Joseph Allen  
Riley, Lance Christopher  
Ringler, Patrick J.  
Robben, Brian William  
Robbins, Todd V.  
Roeth, Bradley Warren  
Rokni, Tooraj  
Ruhl, Rick A.  
Runde, Daniel E.  
Saleem, Faisal  
Sanchez, Benjamin A.  
Sander, James Lloyd  
Santel, Buffy Chantel  
Schalk, Gregg Keith  
Schilling, David W.  
Schmidt, Julie Elizabeth  
Schulte, Douglas James  
Schwarz, Jeffrey Michael  
Senne, Steven P.  
Seth, Prithvi  
Shiner, Heather Dawn  
Shumaker, Dale Butler  
Simmons, Brandon Joseph

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Board for Architects, Professional Engineers, Professional Land Surveyors & Landscape Architects

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Continued from Page 11

Skouby, Daniel H.  
Smith, Marsha A.  
Smith, Tyler Jeremy  
Sommerhauser, Karsten  
Mark  
Spengler, Timothy Patrick  
Staiano, Andrew Charles  
Starr, Mark R.  
Steede, Joseph W., Jr.  
Steen, Terry A.  
Steinhauser, Edward Paul  
Stickley, John Douglas  
Stoewer, William H.  
Stowe, Gary W.  
Stroessner, Julie R.  
Struemph, Glenn Joseph

Stuart, Matthew Allen  
Stuckel, Ronald T.  
Stump, Eric Todd  
Swilley, Scott Franklin  
Szachnieski, Jason  
Robert  
Szydlo, Slawomir  
Taylor, Aaron A.  
Teasley, F. Lillard  
Thayer, Robert J.  
Thomas, Zachary Karis  
Todd, Shannon Michael  
Tutka, Travis Carson  
Updike, Scott Alan  
Van Veghel, Stephen  
John  
Vande Velde, Michael  
Valere

VanderTuig, Matthew Jon  
VanOndorp, Lee D.  
Visnich, David Nicholas  
Visocchi, Michael Mario  
Volshteyn, Vyacheslav  
Vranesh, Michael T., Jr.  
Waghela, Suresh M.  
Wallwork, Michael J.  
Walton, Randall John  
Watson, James Bradley  
Watts, Christopher  
William  
Weber, Ronald Frank  
Weiss, Richard William  
Weledji, Conrad Shalo  
Wellington, Brian Keith  
Welsch, Jennifer  
Cathleen

Weltig, Craig W.  
Wengert, Kurt William  
White, Jeffry Thomas  
White, Leonard W.  
Wilund, Erik Jon  
Winter, Steven John  
Winters, Zachary  
Wirth, Michelle Ann  
Wolfe, Michael Stephen  
Wright, Brian L.  
Wycoff, Albert Bradley, III  
Wyland, Michael L.  
Yi, Hanwen  
Yin, Wenduo  
Ziegenfuss, Robert David  
Zylstra, Donald Bruce

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#### PROFESSIONAL ENGINEERING CORPORATIONS

American Energy Assets, LLC  
Architectural Design Guild  
Corporation  
Basement Engineering & Structural  
Technologies, LLC  
BCER Engineering, Inc.  
Centerline Design, LLC  
Clive Samuels and Associates, Inc.  
CxE Group LLC  
Edwards Engineering, P.C.  
Environmental Systems Design Inc.  
F.L. Smidt Inc.  
Facility Engineering Services, LLC  
Gage-Babcock & Associates, Inc.  
Genesis Structures, Inc.

Gleeson Constructors, L.L.C.  
GSP/MO, Inc.  
JS Smith Consulting Engineers,  
P.C.  
Kansas City Master Companies,  
Inc.  
Kreher Engineering Inc.  
Lindsay & Associates, Inc.  
Lombardo Associates, Inc.  
Monroe & Newell Engineers, Inc.  
Myler Church Building Systems  
Planners, Designers, Builders, Inc.  
Process Plus, LLC  
Rice Engineering, Inc.  
Structural Solutions, Inc.

STV Engineers, Inc.  
TAE, P.C.  
Terracon Consultants, Inc.  
THEDMA International Incorporated  
Tier IV Consulting Group, Inc.  
Traffic Engineering Consultants,  
Inc.  
Utilimap Corporation  
Victor & Victor Associates, LLC  
W.A. Noll & Associates, Inc.  
Water Technology, Inc.  
White River Engineering, Inc.

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#### PROFESSIONAL LAND SURVEYOR LICENSEES

Don Ray Berry  
Hugh Murray Christison

Bryan James Ferguson  
Charles M. Francis

Sharon C. Herman  
Jason D. Janes

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#### PROFESSIONAL LAND SURVEYOR CORPORATIONS

Chief Surveying Inc.  
CM Archer Group, P.C.

Jon Govro Surveying, LLC  
Pyle Surveying, LLC

Rhodes Surveyors, Inc.  
Tricor Engineering, Inc.

### LANDSCAPE ARCHITECTURAL LICENSEES

Mark E. Beauchamp

Hunter L. Beckham

Robert Sean Ryan

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### LANDSCAPE ARCHITECTURAL CORPORATIONS

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ICON Landscape Architecture, LLC  
Parsons Infrastructure & Technology Group, Inc.

Parsons Water & Infrastructure Inc.

## **DISCIPLINARY ACTIONS**

**DISCLAIMER:** Every effort has been made to ensure that the following enforcement information is correct. However, this information should not be relied upon without verification from the Board office. It should be noted that the names of companies and individuals listed may be similar to the names of the parties who have not had enforcement actions taken against them. Discipline orders are public data and copies may be obtained by contacting the Board office. Pursuant to Chapter 327, RSMo, a licensee is entitled to engage in the practice of architecture, engineering, land surveying or landscape architecture during his/her probationary period providing that the licensee adheres to all of the terms and conditions of the Order. However, a licensee whose license has been suspended, is not entitled to engage in the practice of architecture, engineering, land surveying or landscape architecture during his/her suspension period.

## **REVOCATION**

### **ROY A. BECKER, E-18041**

St. Louis, Missouri

**Summary:** As previously reported in the Board's November 2001 Dimensions newsletter, Mr. Becker's professional engineering license was suspended for a period of one year followed by a probationary period of three years. The suspension commenced on September 20, 2001 and ended September 19, 2002. Mr. Becker's probation commenced on September 20, 2002. As a condition of his probation, he was to submit a list of all engineering projects worked on, completed, or sealed for the previous six (6) months. The reports were due on January 1 and July 1 of each year of probation.

**Cause for Discipline:** Mr. Becker engaged in the practice of engineering when he signed and sealed sprinkler plans and/or designs on or about October 17, 2002 and November 11, 2002. Mr. Becker failed to disclose his engineering activity on his first probationary report filed with the Board on March 24, 2003. Mr. Becker engaged in the practice of engineering when he signed and sealed sprinkler plans and/or designs on or about January 12, 2004 and January 16, 2004. Mr. Becker failed to disclose his engineering activity on his third probationary report filed with the Board on March 22, 2004.

**Board Action:** Because of Mr. Becker's violations of the terms of the Order of Probation, the Board held a violation hearing, found that Mr. Becker did violate the terms of his probation and voted to permanently revoke Mr. Becker's professional engineering license. Therefore, on September 15, 2004, Mr. Becker's professional engineering license was permanently revoked.

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## PROBATION

### DALE W. WALTERMAN, LS-1851

Wentzville, Missouri

**Summary:** The Board received a complaint against Dale W. Walterman, which stated that Mr. Walterman was employed to draft an easement. Mr. Walterman used aerial photographs to draft the easement and did not survey the easement. The property was later sold and Mr. Walterman sent a letter to the new owner advising that the easement was wrong and that he had used aerial photographs and not a survey to establish it. Mr. Walterman agreed to correct the easement, which he did not do. Also, Mr. Walterman failed to file corner documents with the Missouri Department of Natural Resources Land Survey Program for the corners he established on August 2, 2001; January 2001; April 2000; April 17, 2000; October 30, 1997 and January and February 1992.

**Cause for Discipline:** 1) By drafting an easement without conducting a survey of the property constitutes incompetency, misconduct, gross negligence, fraud, misrepresentation and dishonesty in the performance of the functions and duties of a professional land surveyor, providing cause to discipline pursuant to Section 327.441.2(5), RSMo 2000; 2) By drafting an easement without conducting a survey of the property constitutes a violation of a professional trust and confidence, providing cause to discipline pursuant to Section 327.441.2(13), RSMo 2000; 3) By failing to file corner documents for the corners he established in the following surveys: August 2, 2001; January 2001; April 2000; April 17, 2000; October 30, 1997 and January and February 1992; Mr. Walterman violated Section 60.321, RSMo 2000, therefore these six violations establish Mr. Walterman's misconduct in the practice of land surveying, providing cause to discipline pursuant to Section 327.441.2(5), RSMo 2000; 4) By failing to file corner documents for the corners he established in the following surveys: August 2, 2001; January 2001; April 2000; April 17, 2000; October 30, 1997 and January and February 1992; Mr. Walterman violated the Board's regulation 4 CSR 30-17.030, therefore these six violations demonstrate incompetency, misconduct, gross negligence, fraud, misrepresentation and dishonesty in the performance of the functions and duties of a licensed professional land surveyor, providing cause to discipline pursuant to Section 327.441.2(5), RSMo 2000; 5) By failing to file corner documents for the corners he established in the following surveys: August 2, 2001; January 2001; April 2000; April 17, 2000; October 30, 1997 and January and February 1992; Mr. Walterman violated the Board's regulation 4 CSR 30-17.030, therefore these six violations provide cause to discipline pursuant to Section 327.441.2(6), RSMo 2000; and 6) By failing to file a corner document with the Missouri Department of Natural Resources for the corners he established in the following surveys: August 2, 2001; January 2001; April 2000; April 17, 2000; October 30, 1997 and January and February 1992, constitute violations of a professional trust and confidence, providing cause to discipline pursuant to Section 327.441.2(13), RSMo 2000.

**Board Action:** Board authorized the Attorney General's Office to proceed with informal settlement. Mr. Walterman entered into a Settlement Agreement with the Board thereby placing his Professional Land Surveying license on probation for a period of two (2) years commencing on July 8, 2004 and ending July 7, 2006.

### FRANK J. SCHMIDT, LS-1022

St. Louis, Missouri

**Summary:** Mr. Schmidt was the person in responsible charge of a company's land surveying activities with the State of Missouri. The company was retained to provide professional land surveying services in the nature of a Surveyor's Real Property Report on or about March 2000. Mr. Schmidt was the person in responsible charge for any and all of the company's Surveyor's Real Property Reports. Mr. Schmidt's seal and signature appeared on a Surveyor's Real Property Report despite the fact that the company was not in posses-

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sion of a work order signed by the borrower/purchaser indicating that they had been advised of the different types of surveying services available and the scope of each of those services. Mr. Schmidt nor the company did not personally perform adequate research, maintain sufficient recorded documentation and provide the field crews with information necessary to locate the property in the field. The Surveyor's Real Property Reports does not show or note the monumentation accepted or adopted to locate and orientate the parcel. The Surveyor's Real Property Report shows a home and garage abutted the side line and a covered carport encroaching over the side line by approximately ten (10) feet. Despite the fact that the dimensional tolerance used by Mr. Schmidt indicates that the home and garage may potentially be encroachment as well, the person who prepared the document failed to recommend a property boundary survey to the borrower/purchaser and/or failed to state the same on the Surveyor's Real Property Report. The Surveyor's Real Property Report was not prepared by Mr. Schmidt or under his immediate personal supervision. The company was also retained to provide professional land surveying services in the nature of a Surveyor's Real Property Report on or about April 2000. Mr. Schmidt was the person in responsible charge for any and all of the company's Surveyor's Real Property Reports. Mr. Schmidt nor the company did not personally perform adequate research, maintain sufficient recorded documentation and provide the field crews with information necessary to locate the property in the field. The Surveyor's Real Property Reports does not show or note the monumentation accepted or adopted to locate and orientate the parcel. The Surveyor's Real Property Report was not prepared by Mr. Schmidt or under his immediate personal supervision.

**Cause for Discipline:** By providing a Surveyor's Real Property Report without a work order signed by the borrower/purchaser; failing to personally perform adequate research, maintain sufficient recorded documentation, and provide the field crews with information necessary to locate the property in the field; failing to show or note the monumentation accepted or adopted to locate and orientate the parcel; failing to recommend a property boundary survey to the borrower/purchaser and/or state the same on the Surveyor's Real Property Report; and signing and sealing the Surveyor's Real Property Report despite the fact that it was not prepared by him or under his immediate personal supervision, Mr. Schmidt violated or enabled another to violate Board Rules 4 CSR 30-3.040(5) and 4 CSR 30-19.010 which is cause to discipline Mr. Schmidt's professional land surveying license pursuant to Section 327.441.2(6), RSMo 2000.

**Board Action:** The Board authorized the Attorney General's Office to file a complaint at the Administrative Hearing Commission. On July 22, 2004, a Joint Motion for Consent Order was filed at the Administrative Hearing Commission. Thereafter, AHC Commissioner Karen Winn issued a Consent Order placing Mr. Schmidt's professional land surveying license on probation for a period of two years commencing on July 26, 2004 and ending July 25, 2006.

#### **R. TIMOTHY DAUGHERTY, LS-2096**

Potosi, Missouri

**Summary:** A complaint was filed against Mr. Daugherty alleging that he had committed gross negligence and dishonesty by accepting money from a client to perform a survey but never completing the work.

**Cause for Discipline:** Mr. Daugherty's deviation from professional standards was so egregious that it demonstrates a conscious indifference to his professional duty and constitutes gross negligence. It also violated the trust that the client placed in Mr. Daugherty when the client put down 50 percent of the contract price three years prior. Mr. Daugherty acted without reasonable care and contrary to the public welfare in violation of Board Rule 4 CSR 30-2.010(2) and (5), which was cause for discipline under Section 327.441.2(6), RSMo 2000; committed gross negligence, which is cause for discipline under Section 327.441.2(5), RSMo 2000; and violated a professional trust, which is cause for discipline under Section 327.441.2(13), RSMo 2000.

**Board Action:** The Board authorized the Attorney General's Office to file a petition with the Administrative Hearing Commission which found cause to discipline Mr. Daugherty's license. On August 30, 2004, the Board voted to place Mr. Daugherty's professional land surveying license on probation for a period of three (3) years commencing on September 30, 2004 and ending on September 29, 2007.

## **CONTINUING EDUCATION FOR ARCHITECTS LICENSED IN MISSOURI**

**EFFECTIVE DECEMBER 31, 2006, AS A CONDITION FOR RENEWAL OF AN ARCHITECTURAL LICENSE** issued pursuant to Section 327.171 and Board Rule 4 CSR 30-11.025, all persons licensed as an architect in the State of Missouri must acquire 24 Continuing Education Units (CEUs) every two years before renewing their license. At least sixteen (16) CEUs shall be related to health, safety, and welfare (HSW) acquired in structured educational activities; however, if the licensee wishes he or she may acquire all twenty-four (24) hours in such HSW subjects and activities. All licensed architects will be required to maintain a list of activities they attended and sign a statement that they have met this requirement before renewing. If the licensee is audited, he/she will be asked to submit proof of attendance at these activities.

**PURPOSE** of this requirement is to reinforce the need for lifelong learning in order to stay current with changing technology, equipment, procedures, processes, tools and established standards. Qualifying activities must have a clear purpose and objective which will maintain, improve or expand the skills and knowledge relevant to the practice of architecture and necessary to safeguard life, health, property and promote the public welfare. The licensee is given flexibility in selecting among a broad range of subjects that are intended to strengthen or maintain competency in technical, managerial (business) or ethical fields. Licensees are encouraged to select meaningful activities which will be of benefit in the pursuit of their chosen field.

**CONTINUING EDUCATION UNIT (CEU)** is defined as one nominal contact hour of instruction or presentation. The maximum CEU for a seminar that starts at 8 a.m. and ends at 5 p.m. with an hour lunch is eight (8) CEUs. Short breaks are permissible as long as a minimum of 50 minutes of presentation/participation per hour is undertaken. If there are no breaks, or there are breaks of less than 10 minutes per hour, no additional time may be claimed. Seminar presenters may attempt to take the number of elapsed minutes (such as 8 hours times 60 minutes) and then divide by 50 to arrive at the CEU for which the seminar is advertised. This would result in over nine CEUs in an eight-hour period which is not permitted. CEUs cannot exceed the actual contact clock hours.

**ROUND** off CEUs to the nearest half-hour. **No activity under a half-hour will be accepted for credit.** For example, a qualifying activity of 30 to 49 minutes would be reported as 0.5 CEU and an activity of 50 to 60 minutes would be reported as 1.0 CEU.

**CARRYOVERS** of a maximum of 12 qualifying CEUs may be forwarded to the subsequent renewal period.

**DUALLY LICENSED ARCHITECTS & ENGINEERS** must earn a total of 24 CEUs every two years for renewal of their architectural license and a total of 30 Professional Development Hours (PDHs) for renewal of their engineering license.

**CONTINUING EDUCATION UNITS OBTAINED IN ANOTHER STATE** will be allowed for renewal of license in Missouri so long as the content meets the requirements of Board Rule 4 CSR 30-11.025.

**RECORD KEEPING** is the responsibility of the licensee. Adequate records must be maintained for a minimum of four (4) years for auditing purposes. Examples of records required include, but are not limited

## **CONTINUING EDUCATION FOR ARCHITECTS LICENSED IN MISSOURI (Continued)**

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to, attendance verification records in the form of completion certificates, signed attendance receipts, paid receipts, a copy of a listing of all attendees signed by a person in responsible charge of the activity or other documentation verifying attendance and CEU credits earned. If audited, submission of specific information on each activity is required. Simply stating "attending education activities at ABC Company" is not acceptable.

**SEMESTER HOUR CREDIT FOR COLLEGE COURSES** - To qualify for this credit, a course must meet regularly and participants tested with a passing grade required. The course must deal with architectural subjects or business practice. One semester hour is converted to 15 CEUs.

**INTERACTIVE ACTIVITIES** - Active participation and successful completion of short courses or seminars dealing with architectural or engineering subjects sponsored by colleges or universities; technical presentations on subjects which are held in conjunction with conventions or at seminars related to materials use and function; short courses or seminars relating to business practice or new technology and offered by colleges, universities, professional organizations or system suppliers; or, professional service to the public that draws upon the licensees professional expertise on boards or commissions, building code advisory boards, urban renewal boards or code study committees are allowed one CEU credit for each contact hour.

**TEACHING CREDITS** - Three (3) units preparing for each class hour spent teaching architectural courses or seminars may be claimed for the first time only. College or university faculty may not claim credit for teaching regular curriculum courses.

**PUBLISHED PAPERS, ARTICLES OR BOOKS** - Credit may be claimed for contact hours spent in architectural research which is published or formally presented to the profession or public. Credit cannot be claimed until that article or paper is actually published.

**ACTIVE PARTICIPATION IN PROFESSIONAL AND TECHNICAL SOCIETIES** includes all technical and professional societies, but does not include civic or trade organizations. CEUs are awarded only for those portions of the meeting that meet the requirements of Board Rule 4 CSR 30-11.025. Licensees serving as a mentor or sponsor for the Intern Development Program shall earn a maximum of 2 CEUs annually. CEU credits are not earned until the end of each year of service is completed.

**DETERMINATION OF QUALIFYING ACTIVITIES** must be made by the licensee. The Board does not pre-approve courses or activities and can only distribute information on what is and is not acceptable. With the broad range of opportunities to earn CEUs, it is up to the licensee to determine whether the activity qualifies under this Board's requirements. For example, programs presented on topics that are not relevant to your profession should not be claimed for CEU credit. The Board has final approval of CEU credit.

**AUDITS** will be randomly conducted after each two-year renewal period to insure compliance with the Board's requirements. If selected for audit, you will be contacted to provide necessary documentation.

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## **CONTINUING EDUCATION FOR ARCHITECTS LICENSED IN MISSOURI (Continued)**

*Continued from Page 17*

Your records must be maintained for a period of four (4) years and copies must be furnished, upon request, to the Board for audit verification purposes. If in its review, the Board finds that the CEU claimed is not acceptable, the Board shall inform the licensee of the criteria that has not been adhered to and he/she will have one hundred eighty (180) days after notification to substantiate their original claim or to earn other credits to meet the minimum requirements.

**EXEMPTIONS** are provided for those licensees serving honorably on full-time active duty in the armed forces of the United States and for those licensees serving as government employees working as an architect and assigned to duty outside the United States. In these instances, the licensee may renew his/her license without completing the CEU requirement for the renewal period during which the licensee served. A licensed architect shall be deemed to have complied with the CEU requirements if for not less than 21 months of the preceding two year period of licensure, he or she was a resident of another state or district having continuing education requirements for licensure and the licensed architect can attest that he or she has complied with all requirements of that state or district for practice therein. If you are exempt, complete the renewal form, submit the renewal fee and send supporting documentation for the exemption.

**THE NEXT RENEWAL PERIOD** - Continuing education standards will go into effect for architects starting with their December 2006 renewals. Thus meaning, every architect originally licensed in an even year and scheduled to renew on or before December 31, 2004 can do so without reporting any CEUs. However, all architects originally licensed in an even year will need to start accumulating 24 CEUs between January 1, 2005 and December 31, 2006 in order to renew their license prior to their next renewal deadline of December 31, 2006. Every architect originally licensed in an odd year, will next renew on or before December 31, 2005 at which time no CEUs will be required. However, prior to their December 31, 2007 renewal deadline, all architects originally licensed in an odd year will be required to have accumulated 24 CEUs between January 1, 2006 and December 31, 2007. In order for a renewal to be processed, the licensee must either certify that he or she has completed the required number of CEUs or elect to place their license in an **INACTIVE** status. Failure to do either will result in the automatic lapse of your license.

**INACTIVE STATUS** - Please note that at the time of renewal, you will have the option of placing your license in an inactive status. If you elect to go inactive, you cannot practice, but you can retain the title of architect. You do not have to show completion of any CEUs but you must submit the renewal fee and your renewal form prior to the deadline.

**INITIAL REGISTRATION** - An architect who holds licensure in Missouri for less than twelve (12) months from the date of his/her initial licensure, shall not be required to report CEU hours at the first license renewal.

**REINSTATEMENTS** must be made within one year of the renewal date of a license by submitting a reinstatement application, certifying completion of 24 CEUs within the preceding two years, satisfying current requirements and submission of the required fee. Failure to reinstate within one year of the renewal date, shall automatically cause the license to expire and be void. The holder of the expired license or certificate shall have no rights or privileges under such license, but may within the discretion of the Board, be relicensed under the licensee's original license number providing the individual pays the required fee and satisfies the Board of their proficiency.

*Continued on Page 19*

## **CONTINUING EDUCATION FOR ARCHITECTS LICENSED IN MISSOURI (Continued)**

*Continued from Page 18*

### **TYPICAL QUALIFYING ACTIVITIES:**

- Completing or attending courses, seminars, instruction, in-house programs or training which relates to the licensee's professional practice.
- Attending technical or professional society meetings when a topic related to the licensee's professional practice is presented as a principal part of the program.
- Class preparation for teaching architectural courses or seminars for the first time only.
- Computer software instructional courses which relate to the licensee's technical profession.
- Management or ethical courses which relate to the architectural profession.
- Correspondence courses on topics related to licensee's professional practice where lessons are prepared, returned for correction and/or grading and testing at the end of the course is required.
- Educational tours of architecturally significant buildings where the tour is sponsored by a college, university or professional organization.
- Serving as a mentor or sponsor for the IDP (maximum 2 CEUs annually).
- Professional service to the public that draws upon the licensee's professional expertise on boards or commissions, such as: serving on planning commissions, building code advisory boards, urban renewal boards or code study committees.
- Self-study courses sponsored by the National Council of Architectural Registration Boards, AIA or similar organizations.

### **TYPICAL NON-QUALIFYING ACTIVITIES:**

- Regular employment
- Real Estate licensing courses
- Personal, estate or financial planning
- Non-technical computer software courses
- Personal self improvement
- Service club meetings or activities
- Equipment demonstrations or trade show displays
- Topics not relevant to licensee's profession
- Enrollment without attendance at courses, seminars, etc.
- Repetitive attendance or teaching of the same course
- Attending committee meetings or general business meetings of any organization
- Conversational language courses for personal use
- Tours of buildings, structures, schools, museums and such unless there is a clear objective to maintain and strengthen competency in technical field

## RULE CHANGES

### **4 CSR 30-11.025 Continuing Education for Architects**

**PURPOSE:** *The continuing education requirement is to demonstrate a continuing level of competency for architects.*

**(1) Purpose.**

(A) Effective December 31, 2006, as a condition for renewal of an architectural license issued pursuant to section 327.171, RSMo a licensee shall have successfully completed twenty-four (24) continuing education units (CEUs), as defined by this regulation and the American Institute of Architects (AIA), within the two (2) years immediately preceding the renewal date or be exempt from these continuing education requirements as provided in this rule. At least sixteen (16) CEUs shall be related to health, safety, and welfare (HSW) acquired in structured educational activities. All twenty-four (24) hours may be acquired in such HSW subjects and activities. Failure to comply with these requirements will result in nonrenewal of the architect's license or other disciplinary action or both unless noted below. Any licensee who completes more than twenty-four (24) CEUs within the preceding two (2) calendar years may apply the excess, not to exceed twelve (12) units, to the requirement for the next two (2)-year period.

(B) Continuing education is a requirement for every architect who is actively licensed by the board, regardless of age, area of practice, or whether the licensee lives in-state or out-of-state pursuant to section 327.171, RSMo.

(C) Continuing education obtained by a licensee should maintain, improve or expand skills and knowledge obtained for initial licensure, or to develop skills and knowledge relevant to the practice of architecture and necessary to safeguard life, health, property and promote the public welfare.

**(2) Definitions.**

(A) Architectural Division. The three (3) member division of the board that concerns itself with the profession of architecture.

(B) Board. The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects.

(C) Contact hour. One (1) nominal contact hour of acceptable continuing education is equivalent to one (1) CEU.

(D) Continuing education unit (CEU). One (1) nominal contact hour of instruction or presentation. One (1) CEU shall represent a minimum of fifty (50) minutes of actual course time. No credit will be allowed for intro-

dutory remarks, meals, breaks or administrative matters related to courses of study.

(E) Sponsor. An individual, organization, association, institution or other entity that provides an educational activity for the purpose of fulfilling the continuing education requirements of the board. The sponsor is responsible for providing the attendees with verification records such as certificates of attendance, signed attendance receipts, paid receipts, a copy of a listing of all attendees signed by a person in responsible charge of the activity, or other documentation verifying attendance.

**(3) Initial Registration.**

(A) An architect who holds licensure in Missouri for less than twelve (12) months from the date of his/her initial licensure, shall not be required to report continuing education hours at the first license renewal. An architect who holds licensure in Missouri for more than twelve (12) months, but less than twenty-four (24) months from the date of initial licensure, shall be required to report twelve (12) CEUs, which includes eight (8) CEUs in HSW earned in the preceding twelve (12) months at the first license renewal.

**(4) Activities.**

(A) The following suggested list may be used by all licensed architects in determining the types of activities that may fulfill continuing education requirements:

1. Contact hours in attendance at short courses or seminars, dealing with architectural or engineering subjects, as appropriate, to each discipline and sponsored by colleges or universities;

2. Contact hours in attendance at technical presentations on subjects which are held in conjunction with conventions or at seminars related to materials use and function. Such presentations as those sponsored by the National Council of Architectural Registration Boards, American Institute of Architects (AIA), Construction Specifications Institute, Construction Products Manufacturers Council or similar organizations devoted to architectural or engineering education may qualify;

3. Contact hours in attendance at short courses or seminars, relating to business practice or new technology and offered by colleges, universities, professional organizations or system suppliers;

4. Contact hours spent in self-study courses sponsored by the National Council of Architectural Registration Boards, AIA or similar organizations;

5. Three (3) units preparing for each class hour spent teaching architectural courses or seminars.

*Continued on Page 21*

*Continued from Page 20*

College or university faculty may not claim credit for teaching regular curriculum courses;

6. Contact hours spent in architectural research, which is published or formally presented to the profession or public;

7. College or university credit courses dealing with architectural subjects or business practice. Each semester hour shall equal fifteen (15) CEUs;

8. Contact hours spent in professional service to the public that draws upon the licensee's professional expertise on boards or commissions, such as: serving on planning commissions, building code advisory boards, urban renewal boards or code study committees;

9. Contact hours spent in education tours of architecturally significant buildings, where the tour is sponsored by a college, university or professional organization; or

10. A maximum of two (2) CEUs annually may be used for serving as a mentor or sponsor for the Intern Development Program (IDP).

**(5) Exemptions.**

(A) A licensed architect shall be deemed to have complied with the foregoing continuing education requirements if the architect attests in the required renewal that for not less than twenty-one (21) months of the preceding two (2)-year period of licensure, the architect (one of the following):

1. Is a resident of another state or district having continuing education requirements for licensure as an architect and has complied with all requirements of that state or district for practice therein; or

2. Is a government employee working as an architect and assigned to duty outside the United States.

(B) If the licensee served on full-time active duty in the military the licensee may renew his/her license without completing the CEU requirement for the renewal period during which the licensee served.

**(6) Reactivation-Retired or Inactive.**

(A) Architects, who so attest on their renewal that they are retired from active practice or are not engaged in the active practice of architecture, may place their license in an inactive status. Those doing so cannot practice but can still retain the title of architect. Such architect may, however, reenter practice only after paying the required fee and satisfying the board of their proficiency. Proficiency may be established by any one (1) of the following:

1. Submitting verifiable evidence of compliance with the aggregate continuing education requirements

for the reporting periods attested as retired from active practice or not engaged in active practice; or

2. Retake the architectural examination; or

3. Fulfill alternative reentry requirements determined by the board, which serve to assure the board of the current competency of the architect to engage in the practice of architecture.

**(7) Reciprocity.**

(A) CEUs may be acquired at locations other than Missouri, so long as the content meets the requirements of this regulation.

**(8) Forms.**

(A) All renewal applications will require the submission of either a continuing education form specified and supplied by the board or the AIA/CES reporting form prescribed by the AIA. The licensee must certify and complete the attestation on the form, before submitting it with the renewal application and fee. Failure to fulfill the continuing education requirements, or file the required reporting form, properly and completely signed, shall result in nonrenewal of a licensee's license.

**(9) Records.**

(A) The responsibility of maintaining records, which can be used to support credits claimed, is the responsibility of the licensee. Each architect shall complete and submit the required reporting form certifying that he/she has acquired the required continuing education hours. These records must be maintained for a period of four (4) years and copies must be furnished to the board for audit verification purposes, if requested. At its discretion the board may randomly audit a portion of licensees each renewal period or a specific licensee if a complaint has been filed against the licensee. Any untrue or false statements or the use thereof with respect to course attendance or any other aspect of continuing education activity is fraud or misrepresentation and will subject the architect to license revocation or other disciplinary action. If in the review, the board finds that the CEU is not acceptable, the board shall inform the licensee of the criteria that has not been adhered to. The licensee shall have one hundred eighty (180) days after notification to substantiate the original claim or to earn other credits to meet the minimum requirements.

AUTHORITY: sections 327.041, RSMo Supp. 2003 and 41.946 and 327.171, RSMo 2000.\* Original rule filed March 15, 2004, effective Sept. 30, 2004.

\*Original authority: 41.946, RSMo 1991; 327.041, RSMo 1969, amended 1981, 1986, 1989, 1993, 1995, 1999, 2001; and 327.171, RSMo 1969, amended 1981, 1989, 1999.

## EXAMINATION DATES AND FILING DEADLINES

**Completed Application for Examination or Re-examination/Re-scheduling Application Form must be filed (received) in the Board office not later than the filing deadline, NO EXCEPTION.**

FLS (LSIT) Examination Dates	Application Filing Deadline	Re-Examination/Re-Scheduling Filing Deadline
April 16, 2005	December 1, 2004	February 15, 2005
October 29, 2005	June 1, 2005	August 15, 2005
April 22, 2006	December 1, 2005	February 15, 2006
October 28, 2006	June 1, 2006	August 15, 2006
April 21, 2007	December 1, 2006	February 15, 2007

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PLS Examination Dates	Application Filing Deadline	Re-Examination/Re-Scheduling Filing Deadline
April 15, 2005	December 1, 2004	February 15, 2005
October 28, 2005	June 1, 2005	August 15, 2005
April 21, 2006	December 1, 2005	February 15, 2006
October 27, 2006	June 1, 2006	August 15, 2006
April 20, 2007	December 1, 2006	February 15, 2007

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FE Examination Dates	Application Filing Deadline	Re-Exam/Re-Scheduling Filing Deadline
April 16, 2005	December 1, 2004	February 15, 2005
October 29, 2005	June 1, 2005	August 15, 2005
April 22, 2006	December 1, 2005	February 15, 2006
October 28, 2006	June 1, 2006	August 15, 2006
April 21, 2007	December 1, 2006	February 15, 2007

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PE Examination Dates	Application Filing Deadline	Re-Exam/Re-Scheduling Filing Deadline
April 15, 2005	December 1, 2004	February 15, 2005
October 28, 2005	June 1, 2005	August 15, 2005
April 21, 2006	December 1, 2005	February 15, 2006
October 27, 2006	June 1, 2006	August 15, 2006
April 20, 2007	December 1, 2006	February 15, 2007

## MOVING? PLEASE NOTIFY THE BOARD OFFICE OF YOUR NEW ADDRESS.

Name:

Profession:

License Number:

Old Address:

New Address:

(P.O. Box must be accompanied  
by your physical address)

Signature:

Date:

Please mail or fax to:

Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects  
P.O. Box 184  
Jefferson City, MO 65102  
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